IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leslie *et al.*

Examiner: Casler, Traci L.

Serial No.: 09/932,163

Group Art Unit: 3629

Filed: 08/17/2001

Docket No.: **RSW920010164US1**

Title: **CUSTOMIZING THE PRESENTATION OF INFORMATION TO SUIT A USER'S PERSONALITY TYPE**

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BRIEF OF APPELLANT

This Appeal Brief, pursuant to the Notice of Appeal filed May 4, 2007, is an appeal from the rejection of the Examiner in the Office Action dated January 4, 2007.

REAL PARTY IN INTEREST

International Business Machines, Inc. is the real party in interest.

RELATED APPEALS AND INTERFERENCES

None.

STATUS OF CLAIMS

Claims 1-2, 11-16, 30, and 34-48 are rejected. Claims 3-10, 17-29, and 31-33 are canceled. This Brief is in support of an appeal from the rejection of claims 1-2, 11-16, 30, and 34-48.

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STATUS OF AMENDMENTS

There are no After-Final Amendments which have not been entered.

SUMMARY OF CLAIMED SUBJECT MATTER

A. <u>CLAIM 1 - INDEPENDENT</u>

The present invention provides a method for monitoring at least one session over the Internet (115, FIG. 1) between a user (100, FIG. 1) and a server (110, FIG. 1). See specification, page 4, lines 2-10.

Occurrences of events are logged for events that are implicitly relevant to deducing at least one value of each personality type variable of a plurality of personality type variables of a personality type indicator associated with the user during a first session over the Internet between the user and the server, said events consisting of user interactions with Internet web sites that the user visits during the first session. See specification, page 8, lines 2-8; page 2, lines 11-12.

At least one value of each personality type variable is deduced from the logged occurrences of events by utilizing characteristics of said user interactions with Internet web sites that the user visits during the first session. See specification, page 10, lines 4-16; FIG. 2, step 270..

Each value of the deduced at least one value of each personality type variable is recorded in a corresponding log that is specific to each value, resulting in a set of logs that comprises the

corresponding logs in which said least one value of each personality type variable has been recorded. See specification, page 8, lines 7-16. See also specification, line 20; FIG. 2, step 250..

A presentation of information is customized to the user (100, FIG. 1) according to the value of the variable of the personality type indicator. See specification, page 9, lines 2-5; FIG. 2, step 220.

B. CLAIM 37 - INDEPENDENT

The present invention provides a system comprising a server, said server adapted to execute programmable instructions to perform a computer-implemented method for monitoring at least one session over the Internet (115, FIG. 1) between a user (100, FIG. 1) and a server (110, FIG. 1). See specification, page 4, lines 2-10. The method is as follows.

Occurrences of events are logged for events that are implicitly relevant to deducing at least one value of each personality type variable of a plurality of personality type variables of a personality type indicator associated with the user during a first session over the Internet between the user and the server, said events consisting of user interactions with Internet web sites that the user visits during the first session. See specification, page 8, lines 2-8; page 2, lines 11-12.

At least one value of each personality type variable is deduced from the logged occurrences of events by utilizing characteristics of said user interactions with Internet web sites that the user visits during the first session. See specification, page 10, lines 4-16; FIG. 2, step 270..

Each value of the deduced at least one value of each personality type variable is recorded in a corresponding log that is specific to each value, resulting in a set of logs that comprises the

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corresponding logs in which said least one value of each personality type variable has been recorded. See specification, page 8, lines 7-16. See also specification, line 20; FIG. 2, step 250.

A presentation of information is customized to the user (100, FIG. 1) according to the value of the variable of the personality type indicator. See specification, page 9, lines 2-5; FIG. 2, step 220.

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1-2, 12-17, 30, and 34-36 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

2. Claims 13, 20, and 25 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

3. Claims 34-36 and 46-48 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

4. Claims 1-2, 11-16, 30, and 37-45 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by US Patent 5,987,415 Breese *et al*; Modeling a User's Emotion and Personality in a computer user interface.

5. Claims 34-36 and 46-48 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over US Patent 5,987,415 Breese *et al*; Modeling a User's Emotion and Personality

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in a computer user interface as applied to claims 1-2, 11-16, 37-45 above, and further in view of

US Patent 5,848,396 Gerace; Method and Apparatus for Determining Behavior Profile of a

Computer User; hereinafter referred to as Gerace.

ARGUMENT

GROUND OF REJECTION 1

Claims 1-2, 12-17, 30, and 34-36 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Appellants traverse the rejection of claim 17 under 35 U.S.C. 112, first paragraph by noting that claim 17 has been canceled.

The Examiner argues: "Claims 1-2, 12-17, 30, and 34-36 recite the limitations of "deducing a value" of variables, however the disclosure fails to teach how the "deducing" is done. Examples are given when a specific type of variable is used and what those variables indicate. However, there are no specific steps that would allow one skilled in the art to make and/or use the applicants invention to "deduce" the value of a variable. Applicant fails to identify how a variable is even identified and/or know to the user let alone how one would "deduce" a value of this unknown variable."

In response, Appellants assert that the specification, page 10, lines 5-16 enables deducing the value of a variable by processing the content of logs as follows:

> "In an exemplary embodiment of the invention, values of the variables of the personality type indicator may be deduced by testing the contents of the logs. For example, the value of a binary variable, such as the MBTI extroversion-introversion variable, may be determined by taking a majority vote of paired counters associated with the binary variable – e.g., if the MBTI extroversion log had ten entries and the introversion log three, the value of the extroversion-introversion variable for the user 100 would be deduced, by majority vote, to be E rather than I. Values of the other variables may be deduced in the same way, and

the value of the personality type indicator computed from the values of its variables. The use of majority vote is illustrative of the present invention rather than limiting, of course, and once taught the present invention those skilled in the art will understand that a number of other algorithms may be employed to test the contents or otherwise analyze the logs in order to deduce the values of the variables of the personality type indicator."

Appellants further assert that the specification, page 9, lines 6-16 describes how the logs acquire the content that enables deducing the value of a variable as follows:

"While the session is ongoing between the user 100 and the server 110, the personality engine 120 monitors for occurrences of the events that are implicitly relevant to deducing the values of the variables of the personality type indicator (step 240). When an event is observed, the personality engine 120 records the occurrence of the event in the appropriate log (step 250). For example, the log of the extroversion-introversion variable may be kept as follows: when the user 100 makes a chatroom posting that has a length of less than twenty words, a counter of events indicative of an extrovert personality may be incremented; conversely, when the user 110 makes a chatroom posting having twenty or more words, a counter of events indicative of an introvert personality may be incremented. Analogous methods hold for keeping the logs of the other variables of the personality type indicator."

Furthermore, Appellants assert that the following text in Appellants' specification, page 6, line 13 - page 7, line 3 describes how the extroversion-introversion variable may be deduced:

"For example, the value of the extroversion-introversion variable may be deduced from the time that the user 100 typically spends on a web page before moving on

(called here "topic dwelling time"), or from the brevity or lengthiness of chatroom postings by the user 100, or from knowledge of a hobby of the user 100. More specifically, an extrovert moves quickly from one web page to another, i.e., has a low average topic dwelling time, makes chatroom postings that are relatively short and directed to a relatively large number of recipients, and enjoys hobbies such as group games and team sports (and, consequently, may have purchased equipment related to the hobby in the past). Conversely, an introvert has a higher average topic dwelling time, makes chatroom postings that are relatively long and directed to relatively few recipients, and enjoys hobbies such as reading, gardening, and sewing."

Furthermore, Appellants assert that the following text in Appellants' specification, page 7, lines 4 - 9 describes how the sensing-intuition variable may be deduced:

"Likewise, the value of the sensing-intuition variable may be deduced from, for example, linguistic analysis of the chatroom postings of the user 100. Chatroom postings of a user 100 who is characterized by sensing may be simple and to the point, using verbs in the past and present tenses; whereas chatroom postings of a user 100 who is characterized by intuition may often include compound sentences, frequently with repetition, recaps, and rephrasing, using verbs in the future tense."

Furthermore, Appellants assert that the following text in Appellants' specification, page 7, lines 10-16 describes how the thinking-feeling variable may be deduced:

"Further, the value of the thinking-feeling variable may be deduced from, for example, sociological analysis of the chatroom postings of the user 100. A user who is characterized by thinking may seldom ask whether timing is convenient for another chatroom participant, may offer praise sparingly to others, may often

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neglect social niceties, and may use people's names infrequently; whereas a user who is characterized by feeling may often ask if timing is convenient for another, is often generous with praise, engages in social niceties, and uses people's names frequently."

Furthermore, Appellants assert that the following text in Appellants' specification, page 7, line 17 - page 8, line 1 describes how the judging-perceiving variable may be deduced:

"The value of the judging-perceiving variable may be deduced from, for example, observation of a choice by the user 100 of an interface with the server 110. A user who is characterized by judging may choose an organized interface, whereas a user who is characterized by perceiving may choose an interface that is artistic, creative, and fun to use."

In Par. 3 of "Response to Arguments", the Examiner argues: "Examiner notes that in order to "deduce a value of a variable" an occurrence must be logged, that is implicitly relevant to the value. If one is determining a value using the log how can you log occurrences of relevant information when the value has yet to be determined.".

In response, Appellants assert that it makes perfect sense to log or record data and then analyze the logged or recorded data to make relevant deductions from the logged or recorded data.

In Par. 3 of "Response to Arguments", the Examiner further argues: "Examiner believes one of ordinary skill in the art isn't not going to know what is "understood" as relevant in order to log the event according to a specific personality trait or style."

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In response, Appellants assert that the specification, page 8, lines 2-5 provide ample guidance as to types of Internet web sites visitations serving as sources of the "relevant events by reciting: "As a result of the richness of the MBTI, the present invention may be applied advantageously in situations where the server 110 provides information through a wide variety of applications such as discussion groups, chatrooms, search engine functions, on-line shopping, and so forth, all under a portal or an umbrella.".

Based on the preceding argument, Appellants respectfully contend that claims 1-2, 12-16, 30, and 34-36 do not fail to comply with the enablement requirement under 35 U.S.C. 112, first paragraph.

GROUND OF REJECTION 2

Claims 13, 20, and 25 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the enablement requirement.

Appellants traverse the rejection of claims 20 and 25 under 35 U.S.C. 112, first by noting that claims 20 and 25 have been canceled.

The Examiner argues: "Claims 13, 20 and 25 recite the limitation of "majority-vote" algorithm. Applicants disclosure states using log entries in the majority-vote algorithm in which the log with the greatest number of entries is the majority and that type, however, the applicants disclosure fails to teach how one of ordinary skill in the art at the time of invention would identify what is placed into which category log."

In response, Appellants assert that the specification, page 9, lines 6-16 identify what is placed into which category log as follows:

> "While the session is ongoing between the user 100 and the server 110, the personality engine 120 monitors for occurrences of the events that are implicitly relevant to deducing the values of the variables of the personality type indicator (step 240). When an event is observed, the personality engine 120 records the occurrence of the event in the appropriate log (step 250). For example, the log of the extroversion-introversion variable may be kept as follows: when the user 100 makes a chatroom posting that has a length of less than twenty words, a counter of events indicative of an extrovert personality may be incremented; conversely, when the user 110 makes a chatroom posting having twenty or more words, a counter of events indicative of an introvert personality may be incremented. Analogous methods hold for keeping the logs of the other variables of the personality type indicator."

The Examiner further argues: "The disclosure makes suggestions by way of examples but not specific teaching for one to understand how to determine what action or event would be determined as for example extroversion or introversion."

In response, Appellants assert that the following text in Appellants' specification, page 6, line 13 - page 7, line 3 describes what action or event would indicate extroversion or introversion:

> "For example, the value of the extroversion-introversion variable may be deduced from the time that the user 100 typically spends on a web page before moving on (called here "topic dwelling time"), or from the brevity or lengthiness of chatroom postings by the user 100, or from knowledge of a hobby of the user 100. More specifically, an extrovert moves quickly from one web page to another, i.e., has a low average topic dwelling time, makes chatroom postings that are relatively short and directed to a relatively large number of recipients, and enjoys hobbies such as group games and team sports (and, consequently, may have purchased equipment related to the hobby in the past). Conversely, an introvert has a higher average topic dwelling time, makes chatroom postings that are relatively long and directed to relatively few recipients, and enjoys hobbies such as reading, gardening, and sewing."

Based on the preceding argument, Appellants respectfully contend that claim 13 does not fail to comply with the enablement requirement under 35 U.S.C. 112, first paragraph.

GROUND OF REJECTION 3

Claims 34-36 and 46-48 stand rejected under 35 U.S.C. 112, first paragraph, as allegedly failing to comply with the written description requirement.

The Examiner argues: "Claims 34-36 and 46-48 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims are directed towards the limitation of a second session being opened, and presenting customized information to the second presentation and monitoring new events to determine a new personality type. The disclosure fails to teach second session. By claiming the second session the claims then become narrower than the specification."

In response, Appellants respectfully contend that the description of FIG. 2 in the specification inherently teaches at least two sessions.

The specification, page 8, line 19 - page 9, line 5 describes steps 210-230 of FIG. 2 of a second session as follows: "The personality engine 120 retrieves the user record 130 associated with the user 100 (step 210), and the value of the personality type indicator held within the user record 130. According to the value of personality type indicator, the server 110 customizes (as explained further below) the content or style of the information that it presents to the user 100 (step 220). The server 110 then presents the information, customized, to the user 100 (step 230)."

Based on the preceding description of steps 210-230, Appellants assert that the user record 130 (containing the value of the personality type indicator) must exist prior to executing steps 210-230 in order for steps 210-230 to be capable of being executed. Appellants assert that the value of the personality type indicator is inserted into the user record 130 in a second session via execution of step 250 in a first session that precedes the second session, as explained in the specification, page 9, lines 9 - 18:

> "When an event is observed, the personality engine 120 records the occurrence of the event in the appropriate log (step 250). For example, the log of the extroversion-introversion variable may be kept as follows: when the user 100 makes a chatroom posting that has a length of less than twenty words, a counter of events indicative of an extrovert personality may be incremented; conversely, when the user 110 makes a chatroom posting having twenty or more words, a counter of events indicative of an introvert personality may be incremented. Analogous methods hold for keeping the logs of the other variables of the personality type indicator. To ensure timeliness of the contents of **the user record** 130, entries may be discarded from the **logs** by using a sliding window algorithm, or by some other method, so that the oldest occurrences are removed as appropriate."

The language relating to the "user record" to the "logs" in the preceding citation to the specification, page 9, lines 9 - 18 demonstrates that the logs comprise the user record 130 that records "each value of the deduced at least one value of each personality type" as claimed. Step 250 of FIG. 2 is the method step of the present invention that records the event in the log (i.e., in the user record of the log). Furthermore, the preceding citation to the specification, page 9, lines 9 - 18 indicates a sliding window method to discard entries in the log to ensure timeliness of the

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contents of the user record 130, which makes it clear that the session described in FIG. 2 is executed multiple times and the user record 130 in the log is accordingly updated via step 250 in each session and updated in a sliding window algorithm or by some other method.

Thus, every time a new session is executed, step 210 retrieves the user record 210 from the log at the beginning of the new session. Execution of step 210 in the new session requires execution of step 250 in a previous session, because it is impossible for the user record 130 to exist without step 250 having been executed in a previous session.

Therefore, the specification inherently teaches at least two sessions.

Based on the preceding argument, Appellants respectfully contend that claims 34-36 and 46-48 do not fail to comply with the written description requirement under 35 U.S.C. 112, first paragraph.

GROUND OF REJECTION 4

Claims 1-2, 11-16, 30, and 37-45 stand rejected under 35 U.S.C. § 102(b) as allegedly

being anticipated by US Patent 5,987,415 Breese *et al*; Modeling a User's Emotion and

Personality in a computer user interface.

Appellants respectfully contend that Breese does not anticipate claims 1 and 37, because

Breese does not teach each and every feature of claims 1 and 37.

As a first example of why Breese does not anticipate claims 1 and 37, Breese does not

teach the feature: "logging occurrences of events that are implicitly relevant to deducing at least

one value of each personality type variable of a plurality of personality type variables of a

personality type indicator associated with the user during a first session over the Internet between

the user and the server, said events consisting of user interactions with Internet web sites that the

user visits during the first session".

The Examiner argues that Breese, col. 11, lines 5-9 and col. 12, lines 50-53 teaches the

preceding feature of claims 1 and 37.

Appellants note that Breese, col. 11, lines 4-9 recites: "Thus, the Bayesian belief network

fragment of FIG. 3 indicates (1) the relationship of emotion and personality on expressive style,

(2) the probability that a modeled concept will be interpreted as a particular style, and (3)

whether the interpretation matches the intent for each component and whether they match on all

components."

Appellants respectfully contend that the preceding quote from Breese, col. 11, line 4-9 does not teach logging occurrences of events, but rather describes a Bayesian belief network fragment. Moreover, Breese, col. 11, line 4-9 does not teach logging occurrences of events consisting of user interactions with Internet web sites that the user visits. Appellants note that Breese, col. 11, line 4-9 does not even mention visiting Internet web sites.

Appellants further note that Breese, col. 12, lines 48-53 recites: "Referring to FIG. 6, the Bayesian user network model 610 (a copy of the network of FIG. 2) receives inputs from the user interface representing observations of the user's behavior (loud and angry voice tones, or a calm and quiet voice, for example)."

Appellants respectfully contend that the preceding quotes from Breese, col. 12, lines 48-53 does not teach logging occurrences of events, but rather describes receiving inputs from the user interface. Moreover, Breese, col. 12, lines 48-53 does not teach logging occurrences of events consisting of user interactions with Internet web sites that the user visits.

Breese teaches analyzing the user's responses (e.g., in words or phrase - see Breese, col. 9, line 65 - col. 11, line 9) or in other ways (e.g., observing the user's facial expressions - see Breese, col. 14, lines 34-40) to make the inferences cited by the Examiner in Breese, col. 11, line 4-9. If said responses by the user are interpreted as the "events" in claims 1 and 37, then Appellants assert that Breese does not disclose the said responses by the user are logged.

Breese teaches analyzing the responses by the user as these responses occur. For example, Breese, col. 12, lines 48 - col. 13, line 8, the policy module 620 received inputs from the user interface representing the user's behavior (e.g., loud and angry voice, or calm and quiet voice),

and the module 620 invokes a Bayesian module 640 to infer a user behavior for an agent to perform. Breese does not disclose that said user's behavior is logged.

What is actually logged in Breese is the probability of occurrence of different states of expression (e.g., happy, surprise, fear anger, sad, disgust) of the user, as disclosed in Breese, col. 15, lines 20-46 and FIG. 12. However, does not disclose logging the "events" (i.e., the user's behavior) from which said probabilities are computed. For example, the log of Breese, FIG. 12 does not show the "events" from which said probabilities are computed.

Moreover, Breese, col. 11, lines 5-9 and col. 12, lines 48-53 does not even mention visiting Internet web sites.

In Par. 10 of the Advisory Action, the Examiner argues that the user's behavior (e.g., loud and angry voice, or calm and quiet voice as mentioned *supra*) are the claimed "events". In response, Appellants the user's behavior of loud, angry voice, or calm and quiet voice, etc. are not logged or recorded. Rather, the probability of occurrence of different states of expression (e.g., happy, surprise, fear anger, sad, disgust) of the user is what is recorded as explained *supra*, and said probabilities are not the claimed "event" but rather are calculated results.

In Par. 11 of the Advisory Action, the Examiner argues that FIGS. 5A and 5B of Breese depicts "a database and/or spreadsheet of the behaviors observed". In response, Appellants assert that FIGS. 5A and 5B of Breese do not depict observed behaviors of users, but rather depict calculated probabilities of enumerated types of behavior being true or false.

Therefore, Breese does not teach the preceding feature of claims 1 and 37.

As a second example of why Breese does not anticipate claims 1 and 37, Breese does not teach the feature: "deducing the at least one value of each personality type variable from the logged occurrences of events by utilizing characteristics of said user interactions with Internet web sites that the user visits during the first session".

The Examiner argues that Breese, col. 8, lines 19-23, 25-27; col. 11, lines 58-61 teaches the preceding feature of claims 1 and 37.

Appellants note that Breese, col. 8, lines 18-27 recites: "A portion of such a Bayesian network, i.e., one consisting of merged fragments, is shown in FIG. 4. The various fragments differ only in the assessment of the paraphrase scorings, that is the probability that each paraphrase will be interpreted as active, strong, etc. There are five assessments needed for each alternative paraphrase for a concept (the ones mentioned earlier, plus a formality assessment). Note that the size of the belief network representation grows linearly in the number of a paraphrases (the number of concepts modeled times the number of paraphrases per concept)".

Appellants respectfully contend that the preceding quotes from Breese, col. 8, lines 18-27 does not teach deducing the at least one value of each personality type variable from the logged occurrences of events , but rather describes a depiction of merged fragments Bayesian network shown in Breese, FIG. 4. Moreover, Breese, col. 8, lines 18-27 does not teach such deducing by utilizing characteristics of the user interactions with Internet web sites that the user visits. Breese, col. 8, lines 18-27 does not even mention visiting Internet web sites.

Appellants note that Breese, col. 11, lines 58-61 recites: "In FIG. 5A, various candidate greetings in the column labeled "greet" (e.g., "hello", "hi there", "howdy") are assessed for their terseness and assigned an individual probability ".

Appellants respectfully contend that the preceding quotes from Breese, col. 11, lines 58-61 does not teach deducing the at least one value of each personality type variable from the logged occurrences of events, but rather describes a depiction of various candidate greetings shown in Breese, FIG. 5A Moreover, Breese, col. 11, lines 58-61 does not teach such deducing by utilizing characteristics of the user interactions with Internet web sites that the user visits.

Moreover, Breese, col. 8, lines 19-23, 25-27; col. 11, lines 58-61 does not even mention user interactions with Internet web sites.

In Par. 12 of the Advisory Action, the Examiner argues: "Applicant argues a value is not being deduced by Breese. As applicant does not claim a specific type of value. The probability calculation that is determined by Breese teaches the deducing of a value. Breese uses the behavior responses to determine a probability of a how a model style will be perceived(C. 11 I. 5-9). and uses that probability to match the user with the appropriate agent model(C. 12 I. 63-67)."

In response, Appellants do not disagree with the Examiner's contention that probability of occurrence of different states of expression by the user is a value of a personality type variable. Rather, Appellants argue that said probability in Breese is not deduced "from the logged occurrences of events by utilizing characteristics of said user interactions with Internet web sites that the user visits during the first session" as claimed.

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Therefore, Breese does not teach the preceding feature of claims 1 and 37.

As a third example of why Breese does not anticipate claims 1 and 37, Breese does not teach the feature: "recording each value of the deduced at least one value of each personality type variable in a corresponding log that is specific to each value, resulting in a set of logs that comprises the corresponding logs in which said least one value of each personality type variable has been recorded".

The Examiner argues that Breese, col. 10, lines 39-42 teaches the preceding feature of claims 1 and 37.

Appellants note that Breese, col. 10, lines 39-42 recites: "Thus, the first stage 305 captures the degree to which an individual with a given personality and in a particular emotional state will tend to communicate in a particular style."

Appellants respectfully contend that the preceding quotes from Breese, col. 10, lines 39-42 does not teach the claimed recording, but rather teaches the capturing by a first stage 305 of a Bayesian network the degree to which an individual with a given personality and in a particular emotional state will tend to communicate in a particular style. The Bayesian network represent of the probabilistic relationships among distinctions about the world (Breese, col 2, lines 31-33) and thus does not record values of personality type variables.

Therefore, Breese does not teach the preceding feature of claims 1 and 37.

As a fourth example of why Breese does not anticipate claims 1 and 37 1, Breese does not teach the feature: "customizing a presentation of information from Internet web sites to the user by the server according to a value of the personality type indicator".

The Examiner argues that Breese, col. 12, lines 62-66; col. 13, lines 31-35 teaches the preceding feature of claims 1 and 37.

Appellants note that Breese, col. 12, lines 61-66 recites "The policy module 620 governs a Bayesian agent network model 640 (another copy of the network of FIG. 2) and informs network 640 what emotional and personality state is to be projected to the user by the agent"

Appellants respectfully contend that the preceding quotes from Breese, col. 12, lines 61-66 does not disclose customizing a presentation of information from Internet web sites to the user, but rather describes policy module that governs and communicates with a Bayesian agent network model.

Appellants note that Breese, col. 13, lines 31-35 recites "The policy module 620 can be designed to develop an empathetic agent, whose mood and personality matches that of the user, or a contrary agent, whose emotions and personality tend to be the exact opposite of the user, as two possible examples."

Appellants respectfully contend that the preceding quotes from Breese, col. 12, lines 61-66 does not disclose customizing a presentation of information from Internet web sites to the user, but rather describes indicates that the policy module can be designed to develop an empathetic agent.

Moreover, Breese, col. 12, lines 62-66; col. 13, lines 31-35 does not even mention information from Internet web sites.

Therefore, Breese does not teach the preceding feature of claims 1 and 37.

In summary, the preceding quotes from Breese by the Examiner consist of fragmented concepts without any accompanying analysis by the Examiner to allegedly show that the preceding quoted text from Breese teaches the preceding features of claims 1 and 37. Therefore, the Examiner's arguments are not persuasive.

Based on the preceding arguments, Appellants respectfully maintain that Breese does not anticipate claims 1 and 37, and that claims 1 and 37 are in condition for allowance. Since claims 2, 11-16, and 30 depend from claim 1, Appellants contend that claims 2, 11-16, and 30 are likewise in condition for allowance. Since claims 38-45 depend from claim 37, Appellants contend that claims 38-45 are likewise in condition for allowance.

In addition with respect to claims 2 and 38, Breese does not teach the feature: "wherein said characteristics of said user interactions comprise a total amount of time that the user dwells on a web page of an Internet web site of said Internet web sites during the first session".

The Examiner argues that Breese, col. 10, lines 1-5; col. 12, lines 10-14 teaches the preceding feature of claims 2 and 38.

Appellants note that Breese, col. 10, lines 1-5 recites: "... Similarly, an individual's personality type will frequently influence their choice of phrasing, e.g.: "you should definitely" versus "perhaps you might like to"."

Appellants respectfully contend that the preceding quotes from Breese, col. 10, lines 1-5 does not teach "wherein said characteristics of said user interactions comprise a total amount of time that the user dwells on a web page of an Internet web site of said Internet web sites during the first session".

Appellants note that Breese, col. 12, lines 10-14 recites: "For choice of paraphrase we make an additional assumption in using the Bayes net structure described above: the individual being modeled choose wording so as to match the intended interpretation with their current desired expressive style."

Appellants respectfully contend that the preceding quotes from Breese, col. 12, lines 10-14 does not teach "wherein said characteristics of said user interactions comprise a total amount of time that the user dwells on a web page of an Internet web site of said Internet web sites during the first session".

Moreover, Breese, col. 10, lines 1-5; col. 12, lines 10-14 does not even mention the user dwelling on a web page of an Internet web site.

Therefore, Breese does not teach the preceding feature of claims 2 and 38.

In addition with respect to claims 11 and 39, Breese does not teach the feature: "wherein said characteristics of said user interactions comprise a brevity or lengthiness of postings by the user to chatrooms of said Internet web sites during the first session".

The Examiner argues that Breese, col. 10, lines 1-5; col. 12, lines 10-14 teaches the preceding feature of claims 11 and 39.

Appellants note that Breese, col. 10, lines 1-5 recites: "... Similarly, an individual's personality type will frequently influence their choice of phrasing, e.g.: "you should definitely" versus "perhaps you might like to"."

Appellants respectfully contend that the preceding quotes from Breese, col. 10, lines 1-5 does not teach "wherein said characteristics of said user interactions comprise a brevity or lengthiness of postings by the user to chatrooms of said Internet web sites during the first session".

Appellants note that Breese, col. 12, lines 10-14 recites: "For choice of paraphrase we make an additional assumption in using the Bayes net structure described above: the individual being modeled choose wording so as to match the intended interpretation with their current desired expressive style."

Appellants respectfully contend that the preceding quotes from Breese, col. 12, lines 10-14 does not teach "wherein said characteristics of said user interactions comprise a brevity or lengthiness of postings by the user to chatrooms of said Internet web sites during the first session".

Moreover, Breese, col. 10, lines 1-5; col. 12, lines 10-14 does not even mention chatrooms of Internet web sites.

Therefore, Breese does not teach the preceding feature of claims 11 and 39.

In addition with respect to claims 12 and 40, Breese does not teach the feature: "deducing the personality type indicator associated with the user, said personality type indicator comprising a best value of each personality type variable of the plurality of personality type variables, said deducing comprising determining from each log of the set of logs the best value of each personality type variable".

The Examiner argues that Breese, col. 16, lines 55-58 teaches the preceding feature of claims 12 and 40.

Appellants note that Breese, col. 16, lines 56-59 recites: "FIG. 15 illustrates one example of how the score-sums or probabilities stored in the memory 860 may be distributed over the possible candidate phrases for a given concept for a given state of the five word interpretation nodes 720-728."

Appellants respectfully contend that the preceding quotes from Breese, col. 16, lines 56-59 does not teach "deducing the personality type indicator associated with the user, said personality type indicator comprising a best value of each personality type variable of the plurality of personality type variables, said deducing comprising determining from each log of the set of logs the best value of each personality type variable".

Therefore, Breese does not teach the preceding feature of claims 12 and 40.

In addition with respect to claims 13 and 41, Breese does not teach the feature: "wherein determining the best value of each personality type variable comprises executing a majority vote algorithm for each log whose associated personality type variable is a binary variable".

The Examiner argues that Breese, col. 10, lines 35-39, 53-56; col. 12, lines 22-29 teaches the preceding feature of claims 13 and 41.

Appellants note that Breese, col. 10, lines 34-39, 53-58 recites: "The expression nodes 330-345 are successors of the emotion and personality nodes 310-325, and capture the probability that the individual would express themselves in an active, positive, strong, and/or terse manner given emotional/personality states. Each of these nodes are binary valued, true or false.... The second stage 350 consists of interpretation nodes 352, 354, 356, 358 representing, respectively, the probability that a particular concept or paraphrase from a concept node 360 would be interpreted as having an active positive, strong and terse expressive interpretation."

Appellants respectfully contend that the preceding quotes from Breese, col. 16, lines 34-39, 53-58 does not teach "wherein determining the best value of each personality type variable comprises executing a majority vote algorithm for each log whose associated personality type variable is a binary variable". There is no teaching in Breese, col. 10, lines 34-39, 53-58 of executing a majority vote algorithm for each log whose associated personality type variable is a binary variable.

Appellants note that Breese, col. 12, lines 22-29 recites: "Under this interpretation, the model captures a decision model regarding word selection. The selection of a paraphrase is done such that it maximizes the probability of a match between intended expressive style and

interpretation, given all previous observations regarding gesture, speech characteristics, and wording choice. We implement this approach in the network by setting each "Match" node to true."

Appellants respectfully contend that the preceding quotes from Breese, col. 12, lines 22-29 does not teach "wherein determining the best value of each personality type variable comprises executing a majority vote algorithm for each log whose associated personality type variable is a binary variable". There is no teaching in Breese, col. 10, lines 34-39, 53-58 of executing a majority vote algorithm for each log whose associated personality type variable is a binary variable.

Therefore, Breese does not teach the preceding feature of claims 13 and 41.

In addition with respect to claims 14 and 42, Breese does not teach the feature: "generating a user record associated with the user, said generating comprising inserting the determined personality type indicator into the user record; and storing the user record in the server".

The Examiner argues that Breese, col. 7, lines 13-16 teaches the preceding feature of claims 14 and 42.

Appellants note that Breese, col. 7, lines 13-16 recites: "The drives and their associated computer-readable media provide nonvolatile storage of computer readable instructions, data structures, program modules and other data for the personal computer 120."

Appellants respectfully contend that the preceding quotes from Breese, col. 16, lines 56-59 does not teach "generating a user record associated with the user, said generating comprising inserting the determined personality type indicator into the user record; and storing the user record in the server".

Therefore, Breese does not teach the preceding feature of claims 14 and 42.

In addition with respect to claims 15 and 43, Breese does not teach the feature: "retrieving the user record associated with the user, wherein said customizing comprises customizing a content or style of information to be presented to the user by utilizing the personality type indicator that is in the user record".

The Examiner argues that Breese, col. 13, lines 25-35 teaches the preceding feature of claims 15 and 43.

Appellants note that Breese, col. 13, lines 25-35 recites: "The linkage between the user and agent network models 610, 640 is embedded in the policy module 620. The policy module 620 is the mapping from the updated probabilities of the emotional states and personality of the user (furnished by the Bayesian user model 610) to the desired emotional state and personality of the agent. The policy module 620 can be designed to develop an empathetic agent, whose mood and personality matches that of the user, or a contrary agent, whose emotions and personality tend to be the exact opposite of the user, as two possible examples."

Appellants respectfully contend that the preceding quotes from Breese, col. 16, lines 56-59 does not teach "retrieving the user record associated with the user, wherein said customizing

comprises customizing a content or style of information to be presented to the user by utilizing the personality type indicator that is in the user record". Appellants note that there is no teaching in Breese, col. 13, lines 25-35 of the user record being retrieved.

Therefore, Breese does not teach the preceding feature of claims 15 and 43.

In addition with respect to claims 16 and 44, Breese does not teach the feature: "said observing, recording, deducing, generating, storing, and customizing being performed during the first session by programmable instructions executing on the server".

The Examiner argues that Breese, col. 4, lines 60-61 teaches the preceding feature of claims 16 and 44.

Appellants note that Breese, col. 4, lines 60-62 recites: " exhibiting corresponding behavior to a user, and a network linking user behavior observed by said observer and emotion and personality conveyed by said agent"

Appellants respectfully contend that the preceding quotes from Breese, col. 4, lines 60-62 does not teach "said observing, recording, deducing, generating, storing, and customizing being performed during the first session by programmable instructions executing on the server".

Therefore, Breese does not teach the preceding feature of claims 16 and 44.

In addition with respect to claims 30 and 45, Breese does not teach the feature: "wherein the personality type indicator is a Myer Briggs Type Indicator".

The Examiner argues that Breese, col. 8, lines 61-65 teaches the preceding feature of claims 30 and 45.

Appellants note that Breese, col. 8, lines 61-67 recites: "Psychologists have devised laboratory tests which can reliably measure both emotional state (with physiological sensing such as galvanic skin response and heart rate) and personality (with tests such as the Myers-Briggs Type Indicator). A computer-based agent does not have these "sensors" at its disposal, so alternative sources of information must be used."

In light of the preceding quote of ("A computer-based agent does not have these "sensors" at its disposal, so alternative sources of information must be used") from Breese, col. 8, lines 65-67, Appellants assert that it is clear that Breese does not teach "wherein the personality type indicator is a Myer Briggs Type Indicator".

Therefore, Breese does not teach the preceding feature of claims 30 and 45.

GROUND OF REJECTION 5

Claims 34-36 and 46-48 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over US Patent 5,987,415 Breese *et al*; Modeling a User's Emotion and Personality in a computer user interface as applied to claims 1-2, 11-16, 37-45 above, and further in view of US Patent 5,848,396 Gerace; Method and Apparatus for Determining Behavior Profile of a Computer User; hereinafter referred to as Gerace.

Since claims 34-46 depend from claim 1, which Appellants have argued *supra* to not be unpatentable over Breese under 35 U.S.C. §102(b), Appellants maintain that claims 34-36 are likewise not unpatentable over Breese in view of Gerace under 35 U.S.C. §103(a).

Since claims 46-48 depend from claim 37, which Appellants have argued *supra* to not be unpatentable over Breese under 35 U.S.C. §102(b), Appellants maintain that claims 46-48 are likewise not unpatentable over Breese in view of Gerace under 35 U.S.C. §103(a).

With respect to features specific to claims 34-36 and 46-48, the Examiner argues that Breese in view of Gerace teaches: "determining a value of a personality/emotion based on users reactions to a customized presentation" and ""After" multiple session information has been obtained making inferences from the recorded activity". The Examiner also acknowledges that "Breese falls to teach the identification of the end of a users internet session."

Appellants assert that the preceding argument by the Examiner does not allege that Breese in view of Gerace teaches the following features of claims 34-36 and 46-48:

"opening a second session over the Internet between the user and the server after the first session has been closed;

customizing a second presentation of second information to the user by the server according to the value of the personality type indicator;

presenting the second information to the user by the server according to said customizing the second presentation;

after said presenting the second information to the user, determining whether the second session is sill active;

if said determining determines that the second session is still active then monitoring for the occurrence of new events that are implicitly relevant to deducing values of the personality type variables pertaining to the user, said new events consisting of user interactions with Internet web sites that the user visits during the second session; and
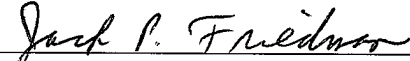
if said determining determines that the second session is not still active then retrieving the logs and recomputing values for the personality type variables by testing the retrieved logs."

Accordingly, Appellants respectfully contend that the Examiner has failed to establish a *prima facie* case of obviousness in relation to claims 34-36 and 46-48.

SUMMARY

In summary, Appellant respectfully requests reversal of the January 4, 2007 Office Action rejection of claims 1-2, 11-16, and 34-48.

Respectfully submitted,

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APPENDIX A - CLAIMS ON APPEAL

1. A method for monitoring at least one session over the Internet between a user and a server, said method comprising:

logging occurrences of events that are implicitly relevant to deducing at least one value of each personality type variable of a plurality of personality type variables of a personality type indicator associated with the user during a first session over the Internet between the user and the server, said events consisting of user interactions with Internet web sites that the user visits during the first session;

deducing the at least one value of each personality type variable from the logged occurrences of events by utilizing characteristics of said user interactions with Internet web sites that the user visits during the first session;

recording each value of the deduced at least one value of each personality type variable in a corresponding log that is specific to each value, resulting in a set of logs that comprises the

corresponding logs in which said least one value of each personality type variable has been recorded; and

customizing a presentation of information from Internet web sites to the user by the server according to a value of the personality type indicator.

2. The method of claim 1, wherein said characteristics of said user interactions comprise a total amount of time that the user dwells on a web page of an Internet web site of said Internet web sites during the first session.

11. The method of claim 1, wherein said characteristics of said user interactions comprise a brevity or lengthiness of postings by the user to chatrooms of said Internet web sites during the first session.

12. The method of claim 1, said method further comprising deducing the personality type indicator associated with the user, said personality type indicator comprising a best value of each personality type variable of the plurality of personality type variables, said deducing comprising determining from each log of the set of logs the best value of each personality type variable.

13. The method of claim 12, wherein determining the best value of each personality type variable comprises executing a majority vote algorithm for each log whose associated personality type variable is a binary variable.

14. The method of claim 12, said method further comprising:

    generating a user record associated with the user, said generating comprising inserting the determined personality type indicator into the user record; and

    storing the user record in the server.

15. The method of claim 14, said method further comprising retrieving the user record associated with the user, wherein said customizing comprises customizing a content or style of information to be presented to the user by utilizing the personality type indicator that is in the user record.

16. The method of claim 15, said observing, recording, deducing, generating, storing, and customizing being performed during the first session by programmable instructions executing on the server.

30. The method of claim 1, wherein the personality type indicator is a Myer Briggs Type Indicator.

34. The method of claim 1, said method further comprising:

    opening a second session over the Internet between the user and the server after the first session has been closed;

    customizing a second presentation of second information to the user by the server according to the value of the personality type indicator;

presenting the second information to the user by the server according to said customizing the second presentation;

after said presenting the second information to the user, determining whether the second session is sill active;

if said determining determines that the second session is still active then monitoring for the occurrence of new events that are implicitly relevant to deducing values of the personality type variables pertaining to the user, said new events consisting of user interactions with Internet web sites that the user visits during the second session; and

if said determining determines that the second session is not still active then retrieving the logs and recomputing values for the personality type variables by testing the retrieved logs.

35. The method of claim 34, wherein said determining determines that the second session is still active.

36. The method of claim 34, wherein said determining determines that the second session is not still active.

37. A system comprising a server, said server adapted to execute programmable instructions to perform a computer-implemented method for monitoring at least one session over the Internet between a user and a server, said method comprising:

logging occurrences of events that are implicitly relevant to deducing at least one value of each personality type variable of a plurality of personality type variables of a personality type

indicator associated with the user during a first session over the Internet between the user and the server, said events consisting of user interactions with Internet web sites that the user visits during the first session;

deducing the at least one value of each personality type variable from the logged occurrences of events by utilizing characteristics of said user interactions with Internet web sites that the user visits during the first session;

recording each value of the deduced at least one value of each personality type variable in a corresponding log that is specific to each value, resulting in a set of logs that comprises the corresponding logs in which said least one value of each personality type variable has been recorded; and

customizing a presentation of information from Internet web sites to the user by the server according to a value of the personality type indicator.

38. The method of claim 37, wherein said characteristics of said user interactions comprise a total amount of time that the user dwells on a web page of an Internet web site of said Internet web sites during the first session.

39. The method of claim 37, wherein said characteristics of said user interactions comprise a brevity or lengthiness of postings by the user to chatrooms of said Internet web sites during the first session..

40. The method of claim 37, said method further comprising deducing the personality type

indicator associated with the user, said personality type indicator comprising a best value of each personality type variable of the plurality of personality type variables, said deducing comprising determining from each log of the set of logs the best value of each personality type variable.

41. The method of claim 40, wherein determining the best value of each personality type variable comprises executing a majority vote algorithm for each log whose associated personality type variable is a binary variable.

42. The method of claim 40, said method further comprising:

generating a user record associated with the user, said generating comprising inserting the determined personality type indicator into the user record; and

storing the user record in the server.

43. The method of claim 42, said method further comprising retrieving the user record associated with the user, wherein said customizing comprises customizing a content or style of information to be presented to the user by utilizing the personality type indicator that is in the user record.

44. The method of claim 43, said observing, recording, deducing, generating, storing, and customizing being performed during the first session by programmable instructions executing on the server.

45. The method of claim 37, wherein the personality type indicator is a Myer Briggs Type Indicator.

46. The method of claim 37, said method further comprising:

opening a second session over the Internet between the user and the server after the first session has been closed;

customizing a second presentation of second information from Internet web sites to the user by the server according to the value of the personality type indicator;

presenting the second information to the user by the server according to said customizing the second presentation;

after said presenting the second information to the user, determining whether the second session is sill active;

if said determining determines that the second session is still active then monitoring for the occurrence of new events that are implicitly relevant to deducing values of the personality type variables pertaining to the user, said new events consisting of user interactions with Internet web sites that the user visits during the second session; and

if said determining determines that the second session is not still active then retrieving the logs and recomputing values for the personality type variables by testing the retrieved logs.

47. The method of claim 46, wherein said determining determines that the second session is still active.

48. The method of claim 46, wherein said determining determines that the second session is not still active.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Leslie *et al.*

Examiner: Casler, Traci L.

Serial No.: 09/932,163

Group Art Unit: 3629

Filed: 08/17/2001

Docket No.: **RSW920010164US1**

Title: **CUSTOMIZING THE PRESENTATION OF INFORMATION TO SUIT A USER'S PERSONALITY TYPE**

Commissioner for Patents
P.O. Box 1450
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APPENDIX B - EVIDENCE

There is no evidence entered by the Examiner and relied upon by Appellant in this appeal.

Applicant: Leslie *et al.*   Examiner: Casler, Traci L.

Serial No.: 09/932,163   Group Art Unit: 3629

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APPENDIX C - RELATED PROCEEDINGS

There are no proceedings identified in the "Related Appeals and Interferences" section.